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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,347	02/24/2004	Saji C. Kumar	SVL920030103US1	3840
47069	7590	07/31/2006	EXAMINER	
KONRAD RAYNES & VICTOR, LLP ATTN: IBM54 315 SOUTH BEVERLY DRIVE, SUITE 210 BEVERLY HILLS, CA 90212			MOFIZ, APU M	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/786,347

Applicant(s)

KUMAR, SAJI C.

Examiner

Apu M. Mofiz

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/24/04; 04/26/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Claim 3 is missing. Appropriate correction is required.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Specification page 3 describes 10a, 10b and 10c in Figure 1, but 10a, 10b and 10c do not exist in Fig. 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

As to claims 1-2,11-12 and 20-21, the claimed invention is directed to non-statutory subject matter. The steps of receiving, determining and allowing does not produce a useful, tangible and concrete result.

Additionally, the scenario is equitable to someone distributing some candies to two children, wherein mother instructed the distributor to give each kid two candies and the mother the rest, but if the mother decides (because she has authority or she bought the candies) she can have all or can give only one candy to each kid. The scenario is common in many daily life events that it almost can be considered as natural phenomena.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-28 are rejected under 35 U.S.C. 102(a) as being anticipated by Sprigg et al., European Patent No. 1417588 or International Publication No. WO 03/021467 A1 and hereinafter referred to as Sprigg.

As to claims 1,11 and 20, Sprigg teaches a method, comprising: receiving a request to modify a permitted resource allocation ([0004]; [0012]); determining a modification restriction providing a limit on modifications that may be made to the permitted resource allocation ([0004]; [0012]); and allowing the requested modification to the permitted resource allocation if the determined modification restriction allows the requested modification (i.e., if the requestor is a system administrator) ([0007]; [0048]).

As to claims 2,12 and 21, Sprigg teaches wherein the determination of the modification restriction comprises determining whether there is one modification restriction for the resource allocation to be modified for a user that initiated the request or for a database to which the resource allocation applies ([0004]; [0007]; [0012]; [0031]; [0048]).

As to claims 4,13 and 22, Sprigg teaches generating an error condition if the requested modification is not permitted by the modification restriction (i.e., if the permission is denied the message is conveyed to the requestor) ([0004]; [0007]; [0012]; [0031]; [0048]).

As to claims 5, 14 and 23, Sprigg teaches wherein the permitted resource allocation comprises an amount of memory or an amount of processor resources to use when processing the operation, and wherein the requested modification of the amount of memory or processor resources to use is permitted if the modification restriction indicates that the permitted resource allocation can be modified (i.e., the permission levels of various users, applications for various resources e.g., memory, processor etc.) ([0004]; [0007]; [0012]; [0031]; [0048]).

As to claims 6, 15 and 24, Sprigg teaches wherein the permitted resource allocation indicates a location where data structures may be created, and wherein the requested modification of the location where data structures may be created is permitted if the modification restriction indicates that the permitted resource allocation can be modified ([0004]; [0007]; [0012]; [0031]; [0048]).

As to claims 7, 16 and 25, Sprigg teaches wherein the permitted resource allocation indicates a type limitation on the type of data structures that may be created, and wherein the requested modification of the type of data structures that may be created is permitted if the modification restriction indicates that the permitted resource allocation can be modified by the request (i.e., a particular type of permission is descriptive and non patentable feature) ([0004]; [0007]; [0012]; [0031]; [0048]).

As to claims 8, 17 and 26, Sprigg teaches receiving a request to modify one modification restriction for one permitted resource allocation; modifying the modification restriction as requested if the request is submitted by an administrator; and denying the requested modification of the modification restriction if the request is not submitted by the administrator (i.e., the administrator has permission to modify permission/restriction for various users/applications) ([0004]; [0007]; [0012]; [0031]; [0048]).

As to claims 9, 18 and 27, Sprigg teaches wherein the modification restriction comprises an immutable indicator (i.e., permissions/restrictions are defined with the use of flag) indicating whether the modification restriction can be modified by someone other than the administrator ([0004]; [0007]; [0012]; [0031]; [0035]; [0036]; [0048]).

As to claims 10, 19 and 28, Sprigg teaches wherein the modification restriction is maintained in a stored procedure program, and wherein the permitted resource allocations specify resource allocations to execute the stored procedure program (i.e., the control program) in which the modification restrictions are maintained ([0004]; [0007]; [0012]; [0031]; [0035]; [0036]; [0048]).

Points of Contact

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Apu M. Mofiz whose telephone number is (571) 272-

Art Unit: 2165

4080. The examiner can normally be reached on Monday – Thursday 8:00 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached at (571) 272-4146. The fax numbers for the group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

A handwritten signature in black ink, appearing to read 'Apu M. Mofiz', is positioned above the printed name.

Apu M. Mofiz
Primary Patent Examiner
Technology Center 2100

July 25, 2006